

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

EGENERA, INC.,)
v.)
Plaintiff,)
CISCO SYSTEMS, INC.)
Defendant,)

)

Civ. A. No. 1:16-CV-11613-RGS

**DEFENDANT CISCO SYSTEMS, INC.'S
MOTION FOR *PRO HAC VICE* ADMISSIONS**

The defendant Cisco Systems, Inc. ("Cisco"), pursuant to Local Rule 83.5.3, hereby moves that this Court admit Attorneys John M. Desmarais, Jonas R. McDavit, Tamir Packin, Peter C. Magic, Brian Leary, David O'Steen, and Michael R. Rhodes to the bar of this Court *pro hac vice* to represent Cisco in this action, together with the undersigned local counsel. In support of this Motion, Cisco states the following:

1. Cisco is represented in this action by Kevin G. Kenneally of the law firm LeClairRyan, *a Professional Corporation*, located at One International Place, 11th Floor, Boston, Massachusetts. Attorney Kenneally is a member in good standing of the bar of the Commonwealth of Massachusetts.

2. The petitioners, John M. Desmarais, Jonas R. McDavit, Tamir Packin, Peter C. Magic, Brian Leary, David O'Steen, and Michael R. Rhodes, are all attorneys associated with the New York, New York firm of Desmarais LLP.

3. Attorney Desmarais is an attorney in good standing of the bar of the State of New York and of the bar of the District of Columbia, and is registered to practice before the United States Patent and Trademark Office. Attorney Desmarais is admitted to

practice before the United States Supreme Court, the United States Court of Appeals for the Federal Circuit, the United States Court of Appeals for the Second Circuit, the United States Court of Appeals for the Eleventh Circuit, the United States District Court for the Southern District of New York, and the United States District Court for the Eastern District of New York. *See Affidavit of John M. Desmarais, submitted herewith.*

4. Attorney McDavit is an attorney in good standing of the bar of the State of New York, and is admitted to practice before the Court of Appeals for the Federal Circuit, the United States District Court for the Southern District of New York, the United States District Court for the Eastern District of New York, and the United States District Court for the District of Columbia. *See Affidavit of Jonas R. McDavit, submitted herewith.*

5. Attorney Packin is an attorney in good standing of the bar of the State of New York, and is admitted to practice before the Court of Appeals for the Federal Circuit, the United States District Court for the Southern District of New York, and the United States District Court for the Eastern District of New York. *See Affidavit of Tamir Packin, submitted herewith.*

6. Attorney Magic is an attorney in good standing of the bars of the State of New York and the State of California, and is registered to practice before the United States Patent and Trademark Office. Attorney Magic is admitted to practice before the United States Court of Appeals for the Ninth Circuit, the United States District Court for the Southern District of New York, the United States District Court for the Eastern District of New York, and the United States District Court for the Northern District of California. *See Affidavit of Peter C. Magic, submitted herewith.*

7. Attorney Leary is an attorney in good standing of the bar of the State of New York, and is admitted to practice before the United States Court of Appeals for the Third Circuit and the United States District Court for the Southern District of New York.

See Affidavit of Brian Leary, submitted herewith.

8. Attorney O'Steen is an attorney in good standing of the bar of the State of New York, and is registered to practice before the United States Patent and Trademark Office. *See Affidavit of David O'Steen, submitted herewith.*

9. Attorney Rhodes is an attorney in good standing of the bar of the State of New York, and is registered to practice before the United States Patent and Trademark Office. *See Affidavit of Michael R. Rhodes, submitted herewith.*

10. By their affidavits, Attorneys Desmarais, McDavit, Packin, Magic, Leary, O'Steen and Rhodes have verified that they have not been subject to suspension, disbarment or disciplinary proceedings in any jurisdiction in which either is a member of the bar.

11. By their affidavits, Attorneys Desmarais, McDavit, Packin, Magic, Leary, O'Steen and Rhodes have verified that they are familiar with the Local Rules for United States District Court, District of Massachusetts. Further, the local counsel for Cisco, Attorney Kevin G. Kenneally, is also familiar with the Local Rules, has provided copies of said Rules to Attorneys Desmarais, McDavit, Packin, Magic, Leary, O'Steen and Rhodes, will advise Attorneys Desmarais, McDavit, Packin, Magic, Leary, O'Steen and Rhodes accordingly, and will sign all pleadings and attend all hearings in this litigation.

12. Attorneys Desmarais, McDavit, Packin, Magic, Leary, O'Steen and Rhodes are familiar with the facts and circumstances underlying the claims at issue in this action.

13. Attorneys Desmarais, McDavit, Packin, Magic, Leary, O'Steen and Rhodes have experience with disputes similar to those involved in this action, and a relationship with the defendant Cisco. It would be of great service to Cisco to have Attorneys Desmarais, McDavit, Packin, Magic, Leary, O'Steen and Rhodes assist local counsel in this case.

14. In further support of this motion, Cisco relies upon the affidavits of John M. Desmarais, Jonas R. McDavit, Tamir Packin, Peter C. Magic, Brian Leary, David O'Steen, and Michael R. Rhodes, filed herewith.

WHEREFORE, the defendant Cisco Systems, Inc., moves that this Honorable Court admit Attorneys John M. Desmarais, Jonas R. McDavit, Tamir Packin, Peter C. Magic, Brian Leary, David O'Steen, and Michael R. Rhodes *pro hac vice* to represent it in this action.

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

The undersigned counsel for the defendant hereby certifies that he conferred with plaintiff's counsel pursuant to Local Rule 7.1(a)(2) in a good faith attempt to narrow any dispute with respect to this motion and plaintiff's counsel has assented to this motion.

Defendant,
CISCO SYSTEMS, INC.,
By its attorneys,

/s/ Kevin G. Kenneally

Kevin G. Kenneally, BBO No. 550050
LECLAIR RYAN, *A Professional Corporation*
One International Place, 11th Floor
Boston, MA 02110
(617) 502-8200

CERTIFICATE OF SERVICE

I, Kevin G. Kenneally, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those identified as non-participants on this date.

Date: August 26, 2016

/s/ Kevin G. Kenneally

Kevin G. Kenneally